

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN MIKE TAYLOR**, on March 7, 2001 at 8:00 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Taylor, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Vicki Cocchiarella (D)
Sen. Sam Kitzenberg (R)
Sen. Dale Mahlum (R)
Sen. Glenn Roush (D)
Sen. Don Ryan (D)

Members Excused: Sen. Dale Berry (R)

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Kyanne Kelly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 399, 3/4/2001; HB 437,
3/4/2001; HB 463, 3/4/2001
Executive Action:

HEARING ON HB 399

Sponsor: REPRESENTATIVE JOE MCKENNEY, HD 49, GREAT FALLS

Proponents: Neil Peterson, Department of Revenue
Mark Staples, Montana Tavern Association
Gene Huntington, Department of Justice
Rich Miller, Gaming Industry Association
Kati Kintli, Jackson, Murdo, & Grant
Kristi Blazer, Beer & Wine Wholesalers

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 3}

REPRESENTATIVE JOE MCKENNEY, HD 49, GREAT FALLS, said the objective of this bill was to decrease the time it takes for an applicant to receive a liquor license without adversely affecting the public's notification and ability to protest.

Proponents' Testimony:

Neil Peterson, Department of Revenue, said the bill would save approximately 60 days when people are transferring their liquor license. EXHIBIT(bus52a01) EXHIBIT(bus52a02)

Mark Staples, Montana Tavern Association, said he supports this bill.

Gene Huntington, Department of Justice, said they support this bill.

Rich Miller, Gaming Industry Association, said he supports this bill.

Kati Kintli, Jackson, Murdo, Grant and McFarland, said non-residents are only able to hold 49% interest in a business, so it would be Montana residents who would own controlling shares of a business with a liquor license.

Kristi Blazer, Beer & Wine Wholesalers. said they support this bill.

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 18.1}

REPRESENTATIVE JOE MCKENNEY, HD 49, GREAT FALLS, said this would be a streamline state government.

HEARING ON HB 437

Sponsor: REPRESENTATIVE HAL JACOBSON, HD 54, HELENA

Proponents: Charlie Val, Elevator Inspector
Bill Beam, Elevator Worker
Troy Slind, Elevator Industry
Rod Driver, Elevator Repairman
Dave Ungerman, Elevator Industry

Opponents: None

Informational Witness: Jim Brown, Building Codes Division

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 19}

REPRESENTATIVE HAL JACOBSON, HD 54, HELENA, said this bill would require inspection of freight elevators for protection of life and limb.

Proponents' Testimony:

Charlie Val, Elevator Inspector, said Montana is the only state that accepted the A-17 code and exempted freight elevators and dumbwaiters from inspection.

Bill Beam, Elevator Worker, said it is dangerous not to inspect freight elevators because it can be dangerous to peoples health and safety.

Troy Slind, Elevator Industry, said passage of this bill would be an important step in making the workplace safer.

Rod Driver, Elevator Repairman, said he supports this bill.

Dave Ungerman, Elevator Industry, said he supports this bill.

Opponents' Testimony: None

Informational Witness: **Jim Brown, Building Codes Division** said this would add 1000 additional inspections and that would require hiring more staff.

Questions from Committee Members and Responses:

SENATOR MIKE SPRAGUE asked if there have been any deaths due to dumbwaiters.

Charlie Val said there has been.

SENATOR ED BUTCHER asked if there were any statistics of accidents from dumbwaiters

Hal Jacobson said in the past 10-15 years there has been one serious injury in Butte, two separate accidents in Missoula, one fatality in Billings, and two separate fatalities in Helena.

Troy Slind said the only place they could find a record of accidents and fatalities was in the newspaper.

SENATOR BUTCHER asked how much the cost was to the business owner for the inspection.

Jim Brown said the fees were \$100.00 for a passenger elevator.

SENATOR ROUSH asked if material lifts included the lifts at service stations or construction projects.

Jim Brown said it was permanent lifts, so not on construction projects.

Charlie Val said grain elevators on ranches were not covered under this bill and the lifts in garages are not covered in this bill.

SENATOR BUTCHER asked how many deaths are attributed to freight elevators and dumbwaiters.

Charlie Val said the deaths which occurred in elevators were in passenger elevators.

SENATOR BUTCHER stated that those are already inspected and that statistic is irrelevant to this bill.

SENATOR BUTCHER asked how many of the deaths would have been prevented by an inspection.

REPRESENTATIVE HAL JACOBSON said he didn't know.

SENATOR SPRAGUE asked for explanation of the funding mechanism.

REPRESENTATIVE HAL JACOBSON said it would be funded by fees that each owner would be paying for the inspection, it doesn't come from the general fund.

Closing by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 14.2}

REPRESENTATIVE HAL JACOBSON, HD 54, HELENA, said the insurance industry supports this legislation. He said the statistics were taken from newspapers and relate directly to freight elevators.

HEARING ON HB 463

Sponsor: **REPRESENTATIVE MICHELLE LEE, HD 26, LIVINGSTON**

Proponents: **Cindy Weese, Coalition Against Domestic Violence**
 Patti Keebler, AFL-CIO
 Jim Campbell, Montana Catholic Conference

Opponents: **Webb Brown, Montana Chamber of Commerce**
 Riley Johnson, Federation of Independent Business

Informational Witness: **Kevin Braun, Department of Labor & Industry**

Opening Statement by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 14.2}

REPRESENTATIVE MICHELLE LEE, HD 26, LIVINGSTON, said this bill would provide that a woman who is forced to leave her job because she is fleeing from her abuser would be able to get unemployment benefits. She said the applicant would have to be eligible for unemployment benefits because of her work history. She handed out an amendment. **EXHIBIT (bus52a03)**

Proponents' Testimony:

Cindy Weese, Coalition Against Domestic Violence, said this bill would provide women who need to flee an abusive situation the possibility of having financial support while finding another job in a safer situation. **EXHIBIT (bus52a04) EXHIBIT (bus52a05)**

Patti Keebler, AFL-CIO, said this would have immeasurable positive effects on Montana families.

Jim Campbell, Montana Catholic Conference, said it is time to look at the fact that there is more domestic violence in our culture and through no fault of their own they lose their jobs.

Opponents' Testimony:

Webb Brown, Montana Chamber of Commerce, said this is an extremely critical problem, however, it is a societal issue, it is not an employer issue.

Riley Johnson, Federation of Independent Business, said this is a violation of the spirit of the unemployment laws, it is a societal problem and shouldn't be dealt with in this way.

Informational Witness: Kevin Braun, Department of Labor & Industry made himself available for answering any questions.

Questions from Committee Members and Responses:

SENATOR VICKI COCCHIARELLA asked if you have to be able and seeking work to apply for unemployment.

Jim Hill, Unemployment Insurance Administrator, said yes.

SENATOR SPRAGUE asked if other funding mechanisms had been looked into.

Representative Michelle Lee said that this is patterned off legislation from other states. She pointed out that the person would have to be eligible for unemployment in order to apply for this.

SENATOR KITZENBERG asked if claims such as this have been made, and have they been turned down.

Kevin Braun said that there have been such claims, but they have been turned down because job loss is not attributable to the employment.

SENATOR SPRAGUE said he would like to have a more clear idea of the number of people who would be eligible for this benefit. He asked for statistics from the states who have implemented this already.

Patti Keebler said she could get that information for him.

SENATOR ROUSH asked how many people are discharged from their employment because of domestic violence.

Cindy Weese said she doesn't know. She said that battered women are just as likely to be fired from employment as they are to make the choice to leave.

Closing by Sponsor:

{Tape : 2; Side : B; Approx. Time Counter : 1.2}

REPRESENTATIVE MICHELLE LEE, HD 26, LIVINGSTON, said she would provide additional information from the other states. She pointed out that it would be necessary to take the step of getting an order of protection before the applicant would be eligible for this benefit. She said the applicant would have to be eligible for unemployment insurance benefits the same as if she were laid off.

ADJOURNMENT

Adjournment: 10:00 A.M.

SEN. MIKE TAYLOR, Chairman

KYANNE KELLY, Secretary

MT/KK

EXHIBIT (bus52aad)